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*Counsel for Ad Hoc Group of Subrogation
Claim Holders*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

**All papers shall be filed in the lead case, No.
19-30088 (DM)*

Case No. 19-30088

Chapter 11

(Lead Case)

(Jointly Administered)

**STIPULATION RE: THE PRODUCTION
OF CURRENT CONTACT
INFORMATION FOR INSURED**

[No Hearing Requested]

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 The Official Committee of Tort Claimants (the "TCC"), Michael Kasolas as the
3 claims representative appointed to assist wildfire victims who have not yet filed proofs of
4 claim (the "Claims Representative") and the Ad Hoc Group of Subrogation Claim Holders
5 (the "Ad Hoc Subrogation Group" and, together with the TCC, the "Parties"), hereby reach
6 the following stipulation as to the production by the Ad Hoc Subrogation Group of certain
7 information related to their insureds.

8 **STIPULATION**

9 WHEREAS on November 12, 2019, the United States Bankruptcy Court for the
10 Northern District of California entered its Order Extending Bar Date for Fire Claimants and
11 Appointing Claims Representative [Dkt. 4672], by which the Bankruptcy Court extended the
12 claims bar date for Fire Claimants to December 31, 2019, and appointed the Claims
13 Representative, tasked among other things with locating potential Fire Claimants who have not
14 filed proofs of claim in these bankruptcy cases;

15 WHEREAS on November 18, 2019, the TCC and the Ad Hoc Subrogation Group
16 entered into a Stipulation Re: the Production of Current Address Information For Insureds
17 [Dkt. 4794]. This stipulation was so-ordered by the Court on November 19, 2019 [Dkt. 4815].

18 WHEREAS the TCC and the Claims Representative have requested that, in addition to
19 providing address information, the members of the Ad Hoc Subrogation Group also provide
20 phone numbers and email addresses for their insureds to the Claims Representative and TCC in
21 order to assist the Claims Representative in his efforts to locate potential claimants who have
22 not yet filed proofs of claim in these bankruptcy cases (the "Requested Purposes");

23 WHEREAS it would impose a significant burden on the TCC in terms of both time and
24 expense to attempt to obtain this information from other sources;

25 WHEREAS members of the Ad Hoc Subrogation Group have agreed to make
26 reasonable efforts to provide phone numbers and email addresses for insureds (the "Additional
27
28

1 Information”) to the Claims Representative and TCC, while requiring that certain limitations
2 be placed on the use of that Additional Information; and

3 WHEREAS those efforts are limited to providing phone number and email address
4 information for insureds reasonably obtainable from electronic databases available with
5 insurers, to the extent such information exists;

6
7 THEREFORE the TCC, the Claims Representative, and the Ad Hoc Subrogation
8 Group agree as follows:

9 **1.** The Ad Hoc Subrogation Group, the Claims Representative and the TCC agree
10 to the Order regarding the Production and Use of the Insureds’ Additional Information, filed
11 concurrently with this Stipulation. Specifically, the Parties agree that the TCC and the Claims
12 Representative may use the Additional Information for the Requested Purposes.

13 **2.** The Additional Information will be shared only with counsel for the TCC, the
14 TCC’s professionals retained in these bankruptcy cases, or the Claims Representative, and the
15 Claims Representative’s support staff, vendors or professionals for the Requested Purposes.
16 Any documents or spreadsheets produced that contain the Additional Information for
17 Requested Purposes shall be designated “PROFESSIONAL EYES ONLY” for TCC Counsel,
18 professionals, and the Claims Representative.

19 **3.** The TCC and the Claims Representative agree that the Ad Hoc Subrogation
20 Group will receive drafts of any notifications they plan to send to insureds using the Additional
21 Information or any scripts of phone calls, and that the Ad Hoc Subrogation Group will have an
22 opportunity to review and comment on those drafts.

23 **4.** The TCC and the Claims Representative agree that no more than two emails
24 will be sent to each insured using the Additional Information and no more than two phone calls
25 or text messages will be made to each insured using the Additional Information regardless of
26 whether a response is received from the insured. The TCC and the Claims Representative shall
27 make a good faith effort to reduce potential harassment, limit automated calls, and make calls
28 by live phone operators where it is feasible to do so, including by unmasking the phone

1 number used to make the phone calls or text messages.

2 **5.** The TCC and the Claims Representative shall make a good faith effort to limit
3 any communications sent to insureds using the Additional Information to only those insureds
4 who have not yet filed a proof of claim.

5 **6.** The Additional Information will not be shared with counsel for the individual
6 plaintiffs, the interests of which are represented by the TCC.

7 **7.** The Additional Information will be used solely for the Requested Purposes and
8 will not be used for any other purpose, including but not limited to attorney advertisement,
9 telemarketing, solicitations, or promoting claims against insurers.

10 **8.** The production of the Additional Information by the Ad Hoc Subrogation
11 Group is conditioned on the Bankruptcy Court entering a finding in its Order approving this
12 Stipulation determining that there is a compelling need for the production of the Additional
13 Information that outweighs any privacy interest the insureds may have in that Additional
14 Information.

15 **9.** The members of the Ad Hoc Subrogation Group will undertake reasonable
16 efforts to provide such Additional Information and shall not be held responsible in any way if
17 any of the Additional Information is incorrect or incomplete. The Ad Hoc Subrogation Group
18 reserves all rights to object to any additional requests for insured information on any and all
19 grounds.

20 **10.** In agreeing to provide the Additional Information, the members of the Ad Hoc
21 Subrogation Group act reasonably, in good faith and are advancing and protecting the interests
22 of their insureds.

23 **11.** Nothing in this Stipulation or the Order approving this Stipulation shall
24 diminish or alter the obligations of the members of the Ad Hoc Subrogation Group set forth in
25 the Order (I) Establishing Deadline for Filing Proofs of Claim, (II) Establishing the Form and
26 Manner of Notice Thereof, and (III) Approving Procedures for Providing Notice of Bar Date
27 and Other Information to All Creditors and Potential Creditors [Dkt. No. 2806] entered on July
28 1, 2019, which obligations remain in full force and effect.

12. This Court shall retain jurisdiction to hear and determine all matters arising

1 from or related to the implementation, interpretation or enforcement of this Stipulation.

2 So stipulated:

3
4 Dated: December 9, 2019

WILLKIE FARR & GALLAGHER LLP

5 /s/ Benjamin P. McCallen

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28 *Counsel for Ad Hoc Group of Subrogation Claim Holders*

29 Dated: December 9, 2019

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Counsel to the Official Committee of Tort Claimants

Dated: December 9, 2019

WENDEL ROSEN LLP

/s/ Lisa Lenherr
Mark S. Bostick
Lisa Lenherr
*Counsel to Michael G. Kasolas,
Claims Representative*